

Sept. 26  
Public meeting

STATEMENT OF GEORGE BARBER TO THE CALFED BAY-DELTA  
PROGRAM FINDING LONG-TERM SOLUTIONS  
TO BAY-DELTA SYSTEM PROBLEMS

September 26, 1995

GOOD EVENING MY NAME IS GEORGE BARBER. I AM CHAIRMAN OF THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS. I AM HERE THIS EVENING TO PROVIDE SAN JOAQUIN COUNTY'S VIEW ON WHAT WE FEEL ARE THE GREATEST PROBLEMS FACING THE SACRAMENTO-SAN JOAQUIN BAY-DELTA ESTUARY SYSTEM.

ONE CANNOT LOOK TO THE SACRAMENTO-SAN JOAQUIN BAY-DELTA ESTUARY SYSTEM IN AN ISOLATED MANNER. THERE ARE MANY FACTORS THAT CONTRIBUTE TO THE PROBLEMS IN THE BAY-DELTA SYSTEM. BECAUSE NEARLY 40% OF THE DELTA LIES WITHIN SAN JOAQUIN COUNTY, OUR BOARD OF SUPERVISORS HAVE TAKEN THE PROBLEMS THAT FACE THE DELTA VERY SERIOUSLY.

AS ONE OF THE CORNERSTONES OF ITS WATER POLICIES, OUR BOARD OF SUPERVISORS IS DEEPLY CONCERNED WITH THE PROTECTION OF DELTA WATER QUALITY. ANOTHER VITAL CONCERN OF OUR BOARD IS THE RESTORATION OF THE QUALITY OF THE SAN JOAQUIN RIVER. FINALLY, A MAJOR THRUST OF OUR BOARD IS TO OBTAIN ADDITIONAL WATER TO MEET THE NEEDS OF OUR COUNTY NOW AND IN THE FUTURE. ALL OF THESE PROBLEMS WHICH PLAQUE SAN JOAQUIN COUNTY MUST BE INCLUDED IN THE CALFED BAY-DELTA PROGRAM'S ANALYSIS OF THE PROBLEMS FACING THE BAY-DELTA SYSTEM IN ORDER TO TRULY FIX THE BAY-DELTA SYSTEM.

SAN JOAQUIN COMPRISES APPROXIMATELY 921,000 ACRES, MOST OF WHICH IS USED FOR AGRICULTURAL PURPOSES. THE COUNTY IS BORDERED ON THE EAST BY THE SIERRA NEVADA FOOTHILLS, AND THE WESTERN PORTION OF THE COUNTY INCLUDES THE DELTA. THE SAN JOAQUIN RIVER

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FLOWS SOUTH TO NORTH THROUGH THE COUNTY, AND THE MOKELUMNE, CALAVERAS, AND STANISLAUS RIVERS FLOW EAST TO WEST THROUGH THE COUNTY. ALL OR PORTIONS OF THE COUNTY ARE WITHIN THE AREAS PROTECTED BY THE WATERSHED AND DELTA PROTECTION ACTS.

ALTHOUGH FOUR RIVERS FLOW THROUGH THE COUNTY, THE COUNTY AND ITS INHABITANTS HAVE BEEN FORCED TO RELY TOO HEAVILY UPON ITS GROUNDWATER SUPPLY TO MEET REASONABLE AND BENEFICIAL WATER NEEDS. THE EASTERN SAN JOAQUIN COUNTY GROUNDWATER BASIN, WHICH UNDERLIES MORE THAN HALF OF THE COUNTY, WAS IDENTIFIED AS SUBJECT TO CRITICAL CONDITIONS OF OVERDRAFT BY THE DEPARTMENT OF WATER RESOURCES. THIS BASIN SERVES VERY IMPORTANT USES IN THE COUNTY AND WILL BE OF EVEN GREATER IMPORTANCE IN THE FUTURE.

IN 1985, A COMPREHENSIVE STUDY WAS CONDUCTED ON GROUNDWATER BASIN. AS A RESULT OF THE INFORMATION PROVIDED IN THE STUDY, THE COUNTY CONCLUDED THAT AN ADDITIONAL 270,000 ACRE FEET OF WATER PER YEAR WOULD BE NECESSARY TO ALLOW FOR A BALANCED USE OF SURFACE AND GROUNDWATER. FURTHER, THE STUDY FOUND THAT WATER LEVELS IN THE BASIN DECLINED OVER A FOOT PER YEAR DURING THE PERIOD OF 1947 TO 1984.

THE PROBLEMS ASSOCIATED WITH THE BASIN, HOWEVER, ARE NOT ONLY LIMITED TO DROPPING GROUNDWATER LEVELS. MORE IMPORTANTLY IS SALINE INTRUSION. JUST TO THE WEST OF THE BASIN, UNDERLYING THE DELTA, ARE ANCIENT SALINE DEPOSITS. THESE DEPOSITS ARE NOT RELATED TO WATER QUALITY IN THE DELTA'S WATERWAYS, BUT ARE DEPOSITS LAID DOWN LONG AGO WHEN WHAT IS NOW SAN FRANCISCO BAY EXTENDED MUCH FURTHER INLAND. AS THE BASIN IS OVERDRAFTED, SALINE WATER IS DRAWN EASTWARD INTO THE BASIN. THE GROUNDWATER BASIN STUDY FOUND THAT THE SALINE FRONT ADVANCED INLAND

APPROXIMATELY ONE MILE BETWEEN 1963 AND 1983. THE STUDY PREDICTED THAT IF SAN JOAQUIN COUNTY DOES NOT OBTAIN ADDITIONAL SUPPLEMENTAL WATER THAT BY THE YEAR 2020 THE SALINE FRONT WILL ADVANCE EASTWARD BY AN ADDITIONAL DISTANCE OF 1.3 TO 2.3 MILES. AS THIS SALINE FRONT ADVANCES, IT DESTROYS THE BASIN.

IT IS CRUCIAL THAT SAN JOAQUIN COUNTY OBTAIN ADDITIONAL WATER SUPPLIES IN ORDER TO PRESERVE THE GROUNDWATER BASIN AS IT IS NOW AN IMPORTANT WATER SOURCE AND WILL BE A VITAL PART OF ANY FUTURE WATER DEVELOPMENT. PRESENTLY, THE COUNTY AND EAST BAY MUNICIPAL UTILITIES DISTRICT ARE STUDYING VARIOUS ALTERNATIVES FOR A JOINT CONJUNCTIVE USE PROGRAM. ANY CONJUNCTIVE USE PLAN WILL USE SURFACE WATER IN TIMES OF HIGH FLOWS AND USE STORED GROUNDWATER IN DRY YEARS.

HOWEVER, IN ORDER TO MAKE CONJUNCTIVE USES OF THE BASIN, IT IS IMPORTANT FOR THE CALFED MEMBER AGENCIES TO ENSURE THAT ITS DECISIONS PROPERLY EMPLOY CALIFORNIA WATER LAW AND PROTECT THE COUNTY'S ABILITY TO OBTAIN SURFACE WATER SUPPLIES SO THAT THE GROUNDWATER BASIN CAN BE PROTECTED FROM FURTHER SALINE INTRUSION AND ALLOWED TO RECOVER.

FOR YEARS, THE COUNTY HAS SOUGHT TO OBTAIN ADDITIONAL SURFACE WATER SUPPLIES TO SUPPLEMENT AVAILABLE WATER SUPPLIES. THE COUNTY HAS BEEN A PARTNER AND A SUPPORTER OF THE STOCKTON-EAST WATER DISTRICT IN ITS DEVELOPMENT OF THE FARMINGTON PROJECT. THIS PROJECT IS CURRENTLY UNABLE TO OBTAIN CONTRACTED WATER SUPPLIES DUE TO ACTIONS BY THE BUREAU OF RECLAMATION.

SUCH DENIAL OF WATER IS COMPLETELY UNACCEPTABLE GIVEN THE FACT THAT THE COUNTY HAS ALSO BEEN DENIED A WATER SUPPLY FROM THE AMERICAN RIVER. SAN JOAQUIN COUNTY HAS LOOKED TO THE AMERICAN

RIVER AS A MAJOR SOURCE OF THE WATER IT NEEDS TO MEET ITS CRITICAL DEFICIENCY. IN SIGNIFICANT PART, OUR RELIANCE ON AMERICAN RIVER WATER STEMS FROM NUMEROUS STATE AND FEDERAL ACTIONS WHICH HAVE FORECLOSED OTHER ALTERNATIVES WHILE ALWAYS DIRECTING US TO THE AMERICAN RIVER. HOWEVER, WITH MUCH EFFORT, WE HAVE NOT SUCCEED IN THE ACQUISITION OF AMERICAN RIVER WATER.

TO DATE WHAT THE CALFED MEMBER AGENCIES HAVE REPEATEDLY FAILED TO DO IS TO TAKE ACTIONS WHICH PROTECT AND DO NOT JEOPARDIZE THE COUNTY'S VALUABLE PUBLIC RESOURCES. INSTEAD, THESE AGENCIES CONSISTENTLY FAVOR THE EXPORTATION OF WATER SOUTH OF THE DELTA WITHOUT REGARD TO THE IMPACTS ON THE WATERSHED AND "AREA OF ORIGIN" OF THE WATER IN VIOLATION OF CALIFORNIA WATER LAW. THESE ACTIONS CANNOT CONTINUE WHEN DEVELOPING LONG-TERM SOLUTIONS TO THE BAY-DELTA SYSTEM PROBLEMS.

WITH RESPECT TO THE DELTA, OUR BOARD OF SUPERVISORS IS MOST CONCERNED WITH THE PROTECTION OF THE QUANTITY AND QUALITY OF WATER AVAILABLE WITHIN THE DELTA. THE DELTA IS BOTH AN IMPORTANT AGRICULTURAL AREA AS WELL AS AN AREA IN NEED OF RESTORATION FOR FISH, WILDLIFE, AND RECREATIONAL USES. ADDITIONALLY, SAN JOAQUIN COUNTY IS PARTICULARLY CONCERNED WITH THE DETERIORATED CONDITION OF THE LOWER SAN JOAQUIN RIVER AS IT FLOWS THROUGH IN OUR COUNTY INTO THE DELTA.

WE BELIEVE THAT THE SOLUTION IS SIMPLE. THOSE WHO HAVE CAUSED OR CONTRIBUTED TO THE PROBLEM MUST FIND THE SOLUTION TO THE PROBLEM. WHAT THE CALFED MEMBER AGENCIES HAVE DONE TO DATE IS TO PLACE THE BURDEN ON THE SAN JOAQUIN COUNTY INTERESTS BY REQUIRING WATER QUALITY RELEASES TO AID DELTA WATER QUALITY FROM THE NEW MELONES RESERVOIR WHICH PREVENTS STOCKTON-EAST WATER

DISTRICT AND CENTRAL SAN JOAQUIN WATER DISTRICT FROM RECEIVING THE WATER ENTITLED TO THEM UNDER CONTRACT. INSTEAD OF PLACING THE BURDEN ON SAN JOAQUIN COUNTY INTERESTS, THE BURDEN OF SOLVING THE PROBLEM MUST BE BORNE BY THOSE WHO HAVE CAUSED IT, NAMELY THE EXPORTERS OF WATER TO THE SOUTH.

ADDITIONALLY, OUR BOARD OF SUPERVISORS HAS REPEATEDLY STATED ITS OPPOSITION TO THE PERIPHERAL CANAL OR ANY OTHER CLOSED CROSS DELTA CONVEYANCE. SAN JOAQUIN COUNTY DOES SUPPORT IMPROVEMENT TO THE CHANNELS IN THE DELTA TO ELIMINATE REVERSE FLOWS AND TO CORRECT OTHER HYDRAULIC PROBLEMS.

AS YOU ALL ARE AWARE, AN AGREEMENT WAS REACHED IN DECEMBER OF 1994 WHICH WAS MUCH PROCLAIMED BY THE NEWS MEDIA AS THE SOLUTION TO ALL THE BAY-DELTA ESTUARY PROBLEMS. IT WAS REPORTED TO BE A COMPROMISE BY ALL INTERESTED PARTIES WHICH RESULTED IN A SOLUTION TO THE BAY-DELTA PROBLEMS AND ADDITIONALLY PROVIDED CERTAINTY IN WATER SUPPLY THROUGHOUT THE STATE. WHAT IS CONSPICUOUSLY ABSENT FROM ALL DETAILS AND DISCUSSIONS OF THE "PRINCIPLES FOR AGREEMENT" IS THE FACT THAT CERTAIN PARTIES WERE SPECIFICALLY EXCLUDED FROM THE NEGOTIATIONS. IN SPECIFIC, ALL SAN JOAQUIN COUNTY INTERESTS. FOR THE PARTIES WHO ARE NOT SIGNATORIES TO THE AGREEMENT, THE COMPROMISE REACHED IS CLEAR: OUR WATER RIGHTS WERE CONCEDED FOR THE SAKE OF THE "DEAL."

WHAT THE "DEAL" CONSISTS OF IS THE VOLUNTARY COMMITMENT ON BEHALF OF THE BUREAU TO UTILIZE NEW MELONES WATER TO PROVIDE THE WATER NECESSARY TO MEET THE WATER QUALITY AND FISHERY REQUIREMENTS IN THE SAN JOAQUIN RIVER AND DELTA WHICH ARE IMPOSED BY THE BAY-DELTA PLAN ADOPTED IN MAY OF 1995. WHAT "THE DEAL" EFFECTIVELY DOES IS DEPRIVE THE COUNTY AND ITS INHABITANTS OF

WATER REQUIRED TO MEET THE REASONABLE AND BENEFICIAL NEEDS OF THE COUNTY INCLUDING WATER NEEDED TO COMBAT THE OVERDRAFT CONDITIONS IN THE EASTERN GROUNDWATER BASIN. DURING THE PROCESS OF ADOPTION OF THE BAY-DELTA PLAN, THE COUNTY STRENUOUSLY OBJECTED TO IMPLEMENTATION OF THE ENVIRONMENTAL STANDARDS IN THE PRINCIPLES OF AGREEMENT AS THE WATER QUALITY STANDARDS FOR THE BAY-DELTA PLAN, BUT ONLY TO THE EXTENT THAT THE EFFECT WAS TO DEPRIVE THE INHABITANTS AND WATER RIGHTS HOLDERS IN THE COUNTY OF WATER TO WHICH THEY ARE ENTITLED, WHILE EXPORTERS CONTINUE UNINTERRUPTED.

THE CORNERSTONE OF ANY IMPLEMENTATION MEASURE ADOPTED THROUGH THE CALFED PROCESS TO SOLVE THE BAY-DELTA SYSTEM PROBLEMS MUST BE DONE WITH STRICT ADHERENCE TO THE LAWS ADOPTED BY THE CALIFORNIA LEGISLATURE TO PROTECT THE INTERESTS OF NORTHERN CALIFORNIA. THESE CAN COLLECTIVELY BE CALLED THE "AREA OF ORIGIN" PROTECTION STATUTES.

WHAT THE LEGISLATURE SAID WHEN IT ADOPTED THESE LAWS WAS THAT NORTHERN CALIFORNIA WATER USERS WATER SUPPLY WOULD NOT BE DEPLETED FOR THE SAKE OF EXPORTING IT TO SOUTHERN CALIFORNIA. A NUMBER OF STATUTES WERE ENACTED TO FULFILL THIS PLEDGE. OF SPECIAL IMPORTANCE IS THE WATERSHED PROTECTION ACT. THAT STATUTE SPECIFICALLY PROVIDES THAT "IN THE CONSTRUCTION AND OPERATION OF ANY PROJECT, A WATERSHED OR AREA WHEREIN WATER ORIGINATES, SHALL NOT BE DEPRIVED DIRECTLY OR INDIRECTLY OF THE PRIOR RIGHT TO ALL OF THE WATER REASONABLY REQUIRED TO ADEQUATELY SUPPLY THE BENEFICIAL NEEDS OF THE WATERSHED, AREA, OR ANY OF THE INHABITANTS OR PROPERTY OWNERS THEREIN."

THIS OBLIGATION IS A DIRECT OBLIGATION ON THE CALFED MEMBER AGENCIES WHEN DESIGNING IMPLEMENTATION MEASURES TO SOLVE THE BAY-

DELTA SYSTEM PROBLEMS. INSTEAD OF ENFORCING THESE LAWS, WHAT WE HAVE SEEN TO DATE BY THE CALFED MEMBER AGENCIES IS AN OPEN ENDORSEMENT AND PARTICIPATION IN THE BEHIND THE SCENES, SECRETIVE DEAL-MAKING WHICH HAS STRIPPED SAN JOAQUIN COUNTY INTERESTS OF WATER TO WHICH IT IS ENTITLED.

IT IS ESSENTIAL THAT THE ANY ACTION DEVELOPED TO ATTEMPT TO SOLVE THE BAY-DELTA PROBLEMS CONFORM WITH THE PRINCIPLES MANDATED UNDER CALIFORNIA WATER LAW BY APPLYING THE WATERSHED PROTECTION AND AREA OF ORIGIN LAWS WHEN IMPLEMENTING SOLUTIONS.

ON BEHALF OF THE BOARD OF SUPERVISORS OF SAN JOAQUIN COUNTY, I WISH TO THANK YOU FOR LISTENING TO OUR VIEWS.